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TO

Amend the Law relating to Piers and Harbours in Ireland. A.D. 1889.

WHEREAS, with a view to the provision of proper harbour accommodation in Ireland, it is desirable to facilitate the construction of piers and the improvement of existing harbours, whereby the development of the sea fisheries and other industries of the country would be promoted, and large portions of the population of Ireland be most economically provided with communication with the markets for what they produce and consume :

And whereas such new works and improvements cannot be carried out without assistance from the public funds :

10 And whereas such assistance has heretofore been given, and may under the existing law be given, to such works, and to others of the same nature serving the same and similar purposes :

And whereas extending such assistance to existing harbours will provide against the diversion of trade from them, which might otherwise result from other means of communication created through the intervention and aid of the State :

15 And whereas such diversion would be impolitic and ought to be guarded against :

And whereas this will be best effected by State aid being given as far as possible to existing harbour authorities, whereby also the maintenance of harbour works will be more efficiently provided for :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1.—(1.) It shall be lawful for any existing harbour authority, or any such body created after the passing of this Act, to apply to the Lord Lieutenant for an Order in Council authorising the

Any harbour authority may apply for an Order in Council to

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more capital for making new works or improvements. Any grand jury or the inhabitants of any district or place may apply for the creation of a harbour authority.

construction or completion of such new works or improvements as such harbour authority may desire to carry out, and for the raising or creation of the capital therefor.

(2.) The inhabitants of any district or place or any grand jury may apply by memorial to the Lord Lieutenant for an Order in Council creating a harbour authority, to provide or improve and control shipping accommodation and works connected therewith, at any place on the sea shore, not at the time of such application under the control of such an authority. Scheduled to such memorial shall be a draft of the proposed order, which shall contain all necessary provisions as to the constitution of the proposed harbour authority, the works intended to be carried out, the capital or other moneys intended to be raised or created, and the dues, rates, and other charges intended to be levied or leviable.

The Lord Lieutenant shall make or modify rules for carrying this Act into effect.

(3.) As far as the provisions of the Acts referred to in the Tramways and Public Companies (Ireland) Act, 1883, as the Tramways (Ireland) Acts and of that Act or of any rules or regulations made or which may hereafter be made by the Lord Lieutenant for administering these Acts are applicable, they shall govern proceedings for Orders in Council under this Act. The Lord Lieutenant shall have power to make such modifications in such existing rules and regulations, or to make and publish such new rules and regulations, as may be necessary to enable the provisions of this Act to be effectively carried out.

The Lord Lieutenant shall order the application to be heard in Council, and, if approved of, make the Order sought.

2.—(1.) Upon compliance by any harbour authority, inhabitants, or grand jury as aforesaid with such rules and regulations as aforesaid the Lord Lieutenant shall have the application for such Order in Council and such evidence in support of and opposition to it as may be offered heard after the manner in which applications are heard in the aforesaid Tramways (Ireland) Acts, or in such other way as the Lord Lieutenant shall direct as to hearings by the Privy Council under this Act.

(2.) Where the Lord Lieutenant in Council shall approve of an application under this Act, he shall make an Order in Council authorising the works and giving the powers aforesaid, subject and according to the provisions of this Act, to the body corporate or persons or local authority applying therefor in such manner, subject to such restrictions and provisions, and on such terms and conditions as shall be therein specified.

3.—(1.) Any harbour authority, inhabitants, or grand jury as aforesaid may, by resolution or otherwise as shall, if necessary, be provided for in the rules and regulations to be made

by the Lord Lieutenant for governing proceedings under this Act, may guarantee the payment of interest, not exceeding four per centum upon the paid up capital authorised to be raised or created by loan or otherwise for works to be constructed under an Order in Council obtained under this Act.

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(2.) Such guarantee, and the rates, dues, or charges to be given as security for its performance, or the barony, place, or other area upon which any sum required to pay such interest or to make good any deficiency therein shall be chargeable, shall be set forth in the resolution, presentment, or other form or mode of approval of application for Order in Council used.

The harbour authority, grand jury, or inhabitants may guarantee a grand jury the interest on the security of the rates, dues, &c.

TREASURY CONTRIBUTION TO GUARANTEE, &c.

4.—(1.) When, in any half year after the completion of the works authorised by an Order in Council obtained under this Act, the interest upon the capital guaranteed therefor, any harbour authority or local authority has paid any sum in respect of guaranteed interest, it shall be lawful for the Treasury, if and so long as the works are maintained fit for use, to authorise the Board of Works, out of any moneys provided by Parliament, to pay to the treasurer or other officer or person or persons appointed by or representing such harbour authority or local authority, a sum not exceeding two thirds of the sum paid by the harbour authority or barony or other area in respect of such guaranteed interest.

The Treasury may authorise the Board of Works to pay the harbour authority two-thirds of the sum paid in respect of guaranteed interest.

(2.) Orders in Council under this Act shall only be made with the sanction of the Treasury.

(3.) Orders in Council under this Act shall immediately take effect without any Act of Parliament confirming the same, and all the provisions of such Orders shall have the same validity, power, and effect as if contained in an Act of Parliament.

Orders in Council under this Act to take effect without an Act of Parliament.

(4.) It shall be lawful for the Treasury to give, as a free grant out of such funds as Parliament may provide for the provision of harbour accommodation in Ireland, to any harbour authority empowered to carry out works by the aid of a guarantee obtained under this Act, a lump sum in lieu and discharge of the contingent Treasury contribution set forth as aforesaid.

(5.) In determining the amount of such free grant it shall be lawful for the Treasury not to confine such free grant to the estimated capital value of such contingent Treasury contribution, but it may also take into consideration the utility of the works to be carried out and any other circumstances relevant to its decision.

The Treasury may make a free grant for carrying out works.

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The debentures of harbour authorities to be primary or collateral security for any advance.

5. The debentures of any harbour authority existing in Ireland at the passing of this Act or afterwards created therein may, with the consent of the Treasury, stand in the same position as primary or collateral security for any loan or advance made or to be made to such harbour authority, as under the Public Works Loans (Tramways, Ireland) Act, 1886, being forty-ninth and fiftieth Victoria, chapter forty-six, do the fully paid shares or stock of a public company being the promoters of tramways under the Tramways (Ireland) Acts, and all the provisions of the Act aforesaid and of the rules under which it is being carried out may apply to such debentures.

The rate of interest to be three and one eighth per cent., and time of repayment fifty years.

6. The Treasury may fix the interest on any existing or future Board of Works loan to any harbour authority in Ireland at not less than three and one eighth per centum, and the period for the repayment of such or of the balance thereof at fifty years, and may allow of the principal and interest being paid by an annuity of a constant amount over the whole period allowed for repayment.

The Board of Works may grant loan to pay off existing debts.

7. The Board of Works, with the view of assisting any harbour authority in Ireland to carry out improvements of a useful and important character, may, with the consent of the Treasury, grant such harbour authority a loan to be used in paying off existing debts, which, from the rate of interest payable on them or other circumstances, are more onerous than would be such Board of Works loans.

The issue of grants and loans to be subject to rules made by Board of Works, and approved of by Treasury.

8. The issuing of all grants and loans shall be in accordance with such rules and regulations and requirements as may be determined upon by the Board of Works and approved of by the Treasury relating to form of applications, information to be given as to revenues, working and other charges, loans and other liabilities, plans and specifications and estimates of proposed works, inspection of same during progress on behalf of Board of Works, giving or withholding of instalments of either grants or loans, and all other matters and things requisite for the efficient and economical carrying out of the purposes of this Act.

Commencement of Act.

9. This Act shall take effect and come into operation on the first day of January one thousand eight hundred and ninety.

Short title.

10. This Act may be cited for all purposes as the Piers and Harbours (Ireland) Act, 1889.

Piers and Harbours(Ireland).

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To amend the Law relating to Piers and Harbours in Ireland.

*(Proposed and brought in by
Mr. Peter McSwick, Mr. O'Duffy, Mr. O'Keefe,
Colonel Nolan, and Mr. J. P. R. O'Brien.)*

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